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REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Applicant appreciates the courteous telephonic interview granted by Examiner Staicovici, Ph.D. held on March 1, 2004 with the undersigned. The file, including the presentation of the claims, and the art and the declaration of record was discussed. The arguments as presented herein are the same as those presented to the Examiner.

In paragraph 3 of the Office Action claims 1, 4-5, 14, 17-18 and 21-22 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent 3,859,025 in light of Lukpe, U.S. 5,429,298. This rejection is respectfully traversed.

From the record it is clear that the Examiner has required that there be a combination of references to teach or suggest the claimed invention. Applicant respectfully submits that the claimed invention is not appropriately suggested by either of the references either alone or together. Applicant likewise wishes to point out that applicant's invention is not obvious when taking into account the secondary considerations as reflected in the Declaration on file.

The Declaration clearly indicates, as the Examiner recognizes on pages 15 and 16 of the Office Action, that there is commercial success with respect to the present invention. To reflect that commercial success, applicant has revised the claims to indicate that it is primarily directed towards a flexible boot for an automotive vehicle. It should be recognized that the dust boot covers as discussed in the declaration are really covers that may be protective covers for various vehicular components. The specification on pages 4 and following indicates that the types of boots that are applicable are strut boots, supporting bar boots, duct boots, shock absorbing boots, rack and pinion steering gear boots, suspension strut boots, constant velocity joint boots and the

like. It is also pointed out that all boots are tubes and correspondingly the vehicular boots are in fact members that protect the underlying vehicular components. The word "tube" is therefore duplicative of "boot" in this case. The concept of protection of the vehicular component is a clear reading of the specification. A "boot" also has a definitional meaning of a protective covering. See page 253 of the McGraw-Hill Dictionary of Scientific and Technical Terms, Fifth Edition, copy attached. The invention therefore pertains to automotive vehicle boots.

In paragraph 4 of the Office Action, claims 3, 6, 11-12 and 15 and 19-20 are rejected under the above two references, the '025 and the '398 references in further view of U.S. Patent 4,509,911. Again this rejection is respectfully traversed. The first two references have been discussed above and previously. The third reference, the '911, likewise does not teach or suggest the claimed invention. There is no suggestion for combining the references. Applicant points out that the assignee in the '911 patent is Hancor, a copy of whose website has previously been supplied as Exhibit B to the previous amendment. The plastic pipe that is described is used in waste disposal systems which are installed in the ground in a substantially different environment than the present application. It is respectfully submitted that one looking to solve the problem of the present application for automotive vehicle boots would not look to the Rosenbaum reference.

In paragraph 5 of the Office Action, claims 1, 4-5, 14, 17-18 and 21-22 are rejected under the '025 patent, the '389 patent and Kato U.S. 6,051,789. This rejection is respectfully traversed. The first few references have been discussed above. However, the specification of the Kato patent pertains to a blow molding operation as can clearly be seen from the figures and which is produced using a fixed configuration. The present application is particularly interested

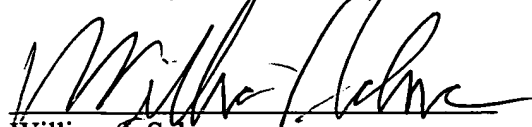
in obtaining a high volume manufacturing technique such as a continuous extrusion process. There are no forms of multiple components that can be cut as desired at the end of applicant's extrusion process. The process of Kato is substantially different than that called for in the present case.

In paragraph 6 of the Office Action claims 3-6, 11-12, 15, and 19-20 are rejected over the '025 patent, the '398 patent, the '789 patent and the '911 patent. This rejection is respectfully traversed. All of the references have been discussed above. It is believed that none of the references either alone or combined teach or disclose the present invention particularly in light of the commercial success of the declaration that has been submitted. It is believed that the extrusion technique as called for in the claims of the present application is patentable over these references when taking into account the clear judicial precedence for this case namely, *Graham v. John Deere*, 383 U.S. 1 (1966) and *Gambro Lundia AB v. Baxter Healthcare*, 110 F.3d 1573, 1579 (Fed. Cir. 1997).

In view of the above comments it would appear that the case is in condition for allowance and a notification of allowance is respectfully requested. Should the Examiner have a question as to the above he may contact the undersigned by calling collect.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.



William J. Schramm

Registration No. 24,795

P.O. Box 4390

Troy, Michigan 48099

Phone: (248) 689-3500

Fax: (248) 689-4071

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McGraw-Hill Dictionary of Scientific and Technical Terms Fifth Edition

Sybil P. Parker

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expressed by AND, OR, and NOT functions. { 'bū-lē-ən
s'arch }

boom [COMMUN] A movable mechanical support, usually in a television or motion picture studio, to suspend a microphone within range of the performers but above the field of view of the camera. [ENG] 1. A row of joined floating timbers that extend across a river or enclose an area of water for the purpose of keeping saw logs together. 2. A temporary floating barrier launched on a body of water to contain material, for example, an oil spill. 3. A structure consisting of joined floating logs placed in a stream to retard the flow. [MECH ENG] A movable steel arm installed on certain types of cranes or derricks to support hoisting lines that must carry loads. [NAV ARCH] 1. A spar attached to a mast or kingpost of a ship carrying cargo-hoisting gear. 2. A spar upon which the lower side of a sail is bent. { būm }

boom cat [MECH ENG] A tractor supporting a boom and used in laying pipe. { būm ,kæt }

boom crutch [NAV ARCH] A movable prop for supporting the free end of the boom of a ship when it is not being used. { būm ,krach }

boom dog [MECH ENG] A ratchet device installed on a crane to prevent the boom of the crane from being lowered but permitting it to be raised. Also known as boom ratchet. { būm ,dóg }

boomer [ENG] A device used to tighten chains on pipe or other equipment loaded on a truck to make the cargo secure. [MIN ENG] In placer mining, an automatic gate in a dam that holds the water until the reservoir is filled, then opens automatically and allows the escape of such a volume that the soil and upper gravel of the placer are washed away. { 'būm-ər }

boomerang sediment corer [ENG] A device, designed for nighttime recovery of a sediment core, which automatically returns to the surface after taking the sample. { 'bū-mə ,rəŋ ,sed-ə-mənt ,kór-ər }

boom ratchet See boom dog. { 'būm ,rach-ət }

boom stop [MECH ENG] A steel projection on a crane that will be struck by the boom if it is raised or lowered too great a distance. { 'būm ,stəp }

Boöpidæ [INV ZOO] A family of lice in the order Mallophaga, parasitic on Australian marsupials. { bō'pī-ə ,dē }

Boord synthesis [CHEM ENG] A method of producing alpha olefins by the reduction of alpha bromo ethers with zinc. { 'bōrd ,sīn-thə-səs }

boorga See burga. { 'būrg-ə }

boost [AERO ENG] 1. An auxiliary means of propulsion such as by a booster. 2. To supercharge. 3. To launch or push along during a portion of a flight. 4. See boost pressure. [ELECTR] To augment in relative intensity, as to boost the bass response in an audio system. [ENG] To bring about a more potent explosion of the main charge of an explosive by using an additional charge to set it off. { būst }

boost charge [ELEC] Partial charge of a storage battery, usually at a high current rate for a short period. { 'būst ,chāŋj }

booster [AERO ENG] See booster engine; booster rocket; launch vehicle. [ELEC] A small generator inserted in series or parallel with a larger generator to maintain normal voltage output under heavy loads. [ELECTR] 1. A separate radio-frequency amplifier connected between an antenna and a television receiver to amplify weak signals. 2. A radio-frequency amplifier that amplifies and rebroadcasts a received television or communication radio carrier frequency for reception by the general public. [IMMUNOL] The dose of an immunizing agent given to stimulate the effects of a previous dose of the same agent. [MECH ENG] A compressor that is used as the first stage in a cascade refrigerating system. [ORD] An assembly of metal parts and explosive charge provided to augment the explosive component of a fuse, to cause detonation of the main explosive charge of the munition. { 'būs-tər }

booster battery [ELECTR] A battery which increases the sensitivity of a crystal detector by maintaining a certain voltage across it and thereby adjusting conditions to increase the response to a given input. { 'būs-tər ,bəd-ə-rē }

booster brake [MECH ENG] An auxiliary air chamber, operated from the intake manifold vacuum, and connected to the regular brake pedal, so that less pedal pressure is required for braking. { 'būs-tər ,brāk }

booster ejector [MECH ENG] A nozzle-shaped apparatus from which a high-velocity jet of steam is discharged to produce a

continuous-flow vacuum for process equipment. { 'būs-tər ,ē-jek-tər }

booster engine [AERO ENG] An engine, especially a booster rocket, that adds its thrust to the thrust of the sustainer engine. Also known as booster. { 'būs-tər ,en-jən }

booster fan [MECH ENG] A fan used to increase either the total pressure or the volume of flow. { 'būs-tər ,fan }

booster pump [MECH ENG] A machine used to increase pressure in a water or compressed-air pipe. { 'būs-tər ,pəmp }

booster response See anamnestic response. { 'būs-tər ,ri'spāns }

booster rocket [AERO ENG] Also known as booster. 1. A rocket motor, either solid- or liquid-fueled, that assists the normal propulsive system or sustainer engine of a rocket or aeronautical vehicle in some phase of its flight. 2. A rocket used to set a vehicle in motion before another engine takes over. { 'būs-tər ,rāk-ət }

booster stations [ENG] Booster pumps or compressors located at intervals along a liquid-products or gas pipeline to boost the pressure of the flowing fluid to keep it moving toward its destination. { 'būs-tər ,stā'shənz }

booster voltage [ELECTR] The additional voltage supplied by the damper tube to the horizontal output, horizontal oscillator, and vertical output tubes of a television receiver to give greater sawtooth sweep output. { 'būs-tər ,vōl-tij }

booster well [ORD] A hollow space, in the main explosive charge of an item of ammunition, into which the booster fits. { 'būs-tər ,wel }

boost-glide vehicle [AERO ENG] An air vehicle capable of aerodynamic lift which is projected to an extreme altitude by reaction propulsion and then coasts down with little or no propulsion, gliding to increase its range when it reenters the sensible atmosphere. { 'būst ,glīd 'vē-ə-kəl }

boost pressure [AERO ENG] Manifold pressure greater than the ambient at atmospheric pressure, obtained by supercharging. Also known as boost. { 'būst ,presh-ər }

boot [COMPUT SCI] To load the operating system into a computer after it has been switched on; usually applied to small computers. [ELEC] A protective covering over any portion of a cable, wire, or connector. [MIN ENG] 1. A projecting portion of a reinforced concrete beam acting as a corbel to support the facing material, such as brick or stone. 2. The lower end of a bucket elevator. [PETRO ENG] See surge column. { büt }

Boot See Boötes. { büt }

boot button See bootstrap button. { 'büt ,bət-ən }

Boötes [ASTRON] A constellation which lies south and east of Ursa Major; the star Arcturus is a member of the group. Abbreviated Boo; Boot. Also known as Bear Driver. { bō'ō ,tēz }

boothite [MINERAL] $\text{CuSO}_4 \cdot 7\text{H}_2\text{O}$ A blue, monoclinic mineral consisting of copper sulfate heptahydrate; usually occurs in massive or fibrous form. { 'bū ,thīt }

α Boötis See Arcturus. { 'al-fə bō'ō-təs }

bootjack [ENG] A fishing tool used in drilling wells. { 'būt ,jak }

bootleg [MIN ENG] A hole, shaped somewhat like the leg of a boot, caused by a blast that has failed to shatter the rock properly. { 'būt ,leg }

bootstrap [COMPUT SCI] The procedures for making a computer or a program function through its own actions. [ENG] A technique or device designed to bring itself into a desired state by means of its own action. { 'būt ,strap }

bootstrap button [COMPUT SCI] The first button pressed when a computer is turned on, causing the operating system to be loaded into memory. Also known as boot button; initial program load button; IPL button. { 'būt ,strap ,bət-ən }

bootstrap circuit [ELECTR] A single-stage amplifier in which the output load is connected between the negative end of the anode supply and the cathode, while signal voltage is applied between grid and cathode; a change in grid voltage changes the input signal voltage with respect to ground by an amount equal to the output signal voltage. { 'būt ,strap ,sər-kət }

bootstrap driver [ELECTR] Electronic circuit used to produce a square pulse to drive the modulator tube; the duration of the square pulse is determined by a pulse-forming line. { 'būt ,strap ,driv-ər }

bootstrap instructor technique [COMPUT SCI] A technique permitting a system to bring itself into an operational state by